



I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV208228125US with sufficient postage in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on March 4, 2003. Reinhart Boerner Van Deuren s.c.

By: Antonia M. Holland
Antonia M. Holland
Date: March 4, 2003

PATENT ~~APPROVED~~ RECEIVED

MAR 14 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3651

EXAMINER: Robert M. Joynes

In re application of: Oscar M. Bassinson)
Application No: 10/027,565)
Filed: December 21, 2001)
Attorney Docket No. 6739)

For: PERSONAL MEDICAL DISPENSING CARD

Commissioner for Patents
Washington, D.C. 20231

March 4, 2003

DETAILED DISCUSSION OF THE REFERENCES

(M.P.E.P. § 708.02)

I. Brief Summary of the Independent Claims.

A. Claim 1 of the Applicant's Invention.

Claim 1 recites a medication dispensing card having a relatively rigid card-like base which contains a surface disposed with a medication that is capable of being solubly removable by a user upon contact with a portion of the user's mouth. The medication is covered by a removable cover that is removable by a user to enable the user to engage the medication.

B. Claim 5 of the Applicant's Invention.

Claim 5 recites a credit card-sized medication dispensing card having a card-like base constructed of a relatively rigid material. The medication is applied to a surface of the base. A

cover removably secured to the base covers the medication and is removable to permit the user to access the medication.

C. Claim 13 of the Applicant's Invention.

Claim 13 recites a credit card-sized medication-dispensing card having a card-like base constructed of a relatively rigid material. The base has a surface which has at least one shallow recess containing medication. A removable cover is disposed on the base enclosing the medication within the recess. The cover is at least partially removable to permit access to the medication.

D. Claim 21 of the Applicant's Invention.

Claim 21 recites a method of delivering a medication comprising packaging the medication in a medication-dispensing card. This includes applying the medication to a surface of the card, applying a removable cover to the base to enclose the medication on the base, dispensing the medication by at least partially removing the cover from the base and solubly removing the medication from the surface.

E. Claim 25 of the Applicant's Invention.

Claim 25 recites a method of using a card surface to deliver a medication comprising providing a card having medication applied to a surface thereof, and contacting the surface of the card to remove the medication.

F. Claim 31 of the Applicant's Invention.

Claim 31 recites a method for achieving a therapeutic effect in a subject comprising administering an effective amount of a compound by contacting the surface of a card with the compound applied thereon. The compound can include aspirin, vitamin K, nitroglycerine, an anti-histamine, insulin, sugar, a snake bite antidote, epinephrine, heparin, demetrex, zofran, dramamine, scopolamine, a nicotine replacement medication, pepcid, hydergine, compazine or combinations of these medications.

G. Claim 34 of the Applicant's Invention.

Claim 34 recites a dosage administration article comprising a card having a surface with a therapeutic dosage of medication applied to the surface. The medication can include aspirin, vitamin K, nitroglycerine, an anti-histamine, insulin, sugar, a snake bite antidote, epinephrine, heparin, demetrex, zofran, dramamine, scopolamine, a nicotine replacement medication, pepcid, hydergine, compazine or combinations of these medications.

H. Claim 36 of the Applicant's Invention.

Claim 36 recites a therapeutic formulation comprising a medication applied to the surface of a card surface. The medication can include aspirin, vitamin K, nitroglycerine, an anti-histamine, insulin, sugar, a snake bite antidote, epinephrine, heparin, demetrex, zofran, dramamine, scopolamine, a nicotine replacement medication, pepcid, hydergine, compazine or combinations of these medications.

II. Detailed Discussion of the References.

A. U.S. Patent No. 3,540,579 (the "'579 Patent") by Hellstrom, issued November 17, 1970.

The '579 patent discloses a medication packet having a relatively rigid backing member and a frangible or breakable covering/membrane that must be punctured or ruptured to dispense medication or contents of the packet. The frangible cover is stretched over the item to be contained by the package, and is sealingly joined to the backing member, which together retains the medication within the package. Accordingly, in order to remove the contents of the packet, the backing member is folded, bent or otherwise angulated by the user which causes the covering membrane to rupture thereby releasing or partially releasing the medication.

If the backing member is constructed of a more rigid material, the backing is provided with a score line or other weakening point along which the backing member can be easily folded to facilitate release of the contents within the packet. The breakable membrane is also provided with a score line or other weakening point which will break to release the medication when the backing member is folded or angulated.

The backing member can contain a recess to position the pill within the package; however, such a recess is intended to include or provide an area of weakening which allows the backing member to be bent or angulated to release the tablet.

In some embodiments, the packet of the '579 patent may contain freely flowing materials such as liquids, semi-liquids or powders. However, in a first application, the packet will contain two rigid backing members, one that is provided with a score line or other weakening point(s) and a second backing member in which the item within the packet will rest. This configuration prevents the medication within the packet from immediately spilling out when the backing member is bent or otherwise angulated. Moreover, in other embodiments, the packet will contain a cup member for holding the medication within the packet. The cup member will be adhered to the backing member, and then the packet will be sealed with the breakable membrane. In either instance, the backing member must be bent and/or folded to release the medication through the breakable membrane.

(1) Claim 1 of Applicant's Invention.

Claim 1 clearly distinguishes over the '579 patent, as the '579 patent teaches medication retained between a frangible membrane and a backing member that is folded, bent or otherwise angulated to release the medication from the package. Unlike Claim 1, the '579 patent does not teach or suggest a card-like base having a surface for containing a solubly removable medication which is removed upon contact with a user's mouth. Rather, the medication dispensed from the '579 package is in tabular form (or alternatively is in liquid form and held within a cup) and must be removed from the package by folding the backing member, rupturing the covering membrane, and discharging the tablet or cup. Further, the frangible membrane described in the '579 patent is not removable to permit a user to engage the medication like the cover recited in Claim 1, but instead, is ruptured or otherwise punctured when the backing member is folded to enable the user to access the medication.

Therefore, Claim 1 is not anticipated by the '579 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '579 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the package discussed in the '579 patent is not of the size and shape of credit card, because the thickness of the package accommodates the pill, tablet, or cup to be dispensed. The '579 patent teaches a medication retained in a package between two surfaces, a frangible membrane and a *foldable* backing member, and the medication is not applied to the

surface of a rigid credit card-sized base, as claimed. Where the backing member is constructed of a rigid material, the '579 patent requires that a weakening point or area be included to permit the backing to be folded or bent. Further, the package disclosed in the '579 patent does not include a removable cover that permits access to the medication, but instead, includes a frangible backing that must be ruptured or otherwise punctured when the backing member is folded to release the medication.

Therefore, Claim 5 is not anticipated by the '579 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '579 patent.

(3) Claim 13 of the Applicant's Invention.

Unlike the subject matter disclosed in Claim 13, the medication package discussed in the '579 patent is not the size or shape of a credit card because the thickness of the package accommodates the pill, tablet, or cup to be dispensed. Further, the '579 patent does not teach or suggest a medication contained within a shallow recess on the surface of a credit card-sized base, as claimed; rather, the medication in the '579 patent is held between a frangible membrane and a foldable backing member. Further, the frangible membrane of the '579 patent, once sealed to the backing member, is not removable or partially removable to permit access to the medication, but instead, must be ruptured or otherwise punctured to force the medication out through the ruptured membrane.

Therefore, Applicant believes Claim 13 is not anticipated by the '579 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '579 patent.

(4) Claim 21 of the Applicant's Invention.

Unlike the method recited in Claim 21, the '579 patent does not teach or suggest a method for delivering a medication on the surface of a card which is solubly removable from the surface. Further unlike Claim 21, the frangible membrane of the '579 patent, once sealed to the backing member, is not removable or partially removable to permit access to the medication, but instead, must be ruptured or otherwise punctured to force the medication out through the ruptured membrane. Accordingly, the '579 reference teaches a method for delivering a medication by packaging the medication within a foldable backing member and a frangible

covering member, and dispensing the medication by angulating or folding the backing member, rupturing the covering membrane to expose the medication to the user, and removing the medication from the package through opening in the ruptured membrane.

Accordingly, Claim 21 is not anticipated by the '579 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '579 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '579 patent as there is no disclosure in the '579 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '579 patent is not provided with medication applied to a card surface or a card base; rather, the medication is retained inside a package formed of two surfaces, a frangible membrane and a foldable backing member. Further, the medication retained by the backing member and the frangible covering membrane in the '579 patent is not removed by or delivered to a user by simply contacting a card surface as recited in Claim 25, or by contacting either the backing member or the membrane. Instead, in the '579 patent, the backing member must be folded, and the frangible covering membrane ruptured, before the medication can be removed from the package by a user, and indeed, before the surfaces retaining the medication can be contacted by the user.

Therefore, Claim 25 is not anticipated by the '579 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '579 patent.

(6) Claim 31 of the Applicant's Invention.

Claim 31 distinguishes over the '579 patent as there is no disclosure in the '579 reference of a method for achieving a therapeutic effect in a subject by simply contacting a surface of a card. As stated herein and unlike Claim 31, the package discussed in the '579 patent is not provided with a compound applied to a card surface; rather, the medication dispensed by the '579 package is supported or retained between both the backing member and the frangible covering membrane. Further, the '579 patent teaches that the backing member must be folded, the frangible covering membrane must be ruptured, and the medication removed from the package before the medication can be ingested or otherwise administered to a subject.

Therefore, Claim 31 is not anticipated by the '579 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '579 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

Claims 34 and 36 are clearly distinguished from the '579 patent as there is no disclosure in the '579 reference of a dosage administration article or a therapeutic formulation comprising a card having a medication present in a therapeutic dosage applied to the surface of a card. Unlike Claims 34 and 36, neither the backing member nor the covering membrane discussed in the '579 patent contain a medication applied to a card surface or base; rather, the medication in the '579 patent is held inside a medication packet between two surfaces, a frangible membrane and a foldable backing member. Further, the package disclosed thick to accommodate a pill, tablet or cup and is not card-like in shape.

Therefore, Claims 34 and 36 are not anticipated by the '579 patent. Accordingly, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '579 patent.

B. U.S. Patent No. 3,958,690 (the "'690 Patent") by Gee, issued November 1, 1974.

The '690 patent discloses a medical information and medication package that includes an envelope, a card folded into a first half and a second half, a removable frame component placed between the first and second portions of the card, and a sugar or medication packet placed within the frame. By virtue of folding the card, the two halves of the card enclose the sugar or medication packet within the frame; however, the sugar or medication packet is not retained or adhered to the card or the frame. Therefore, the medication, sugar or item to be retained within the frame is prepackaged, since neither the frame nor the card attaches to the medication packet.

To further retain the sugar packet, an envelope retains the folded card/frame assembly so that the sugar packet can be transported without falling out of the package. When the medication must be accessed, it is removed from the envelope, removed from the frame and opened from its package.

(1) Claim 1 of Applicant's Invention.

Unlike Claim 1, the '690 patent does not teach or suggest a relatively rigid card-like base for dispensing a solubly removable medication from a surface of the base upon contact with a portion of a user's mouth. Rather, the medication dispensed from the package disclosed in the '690 patent must be removed from the outer envelope, removed from the folded card, and removed from the frame before the user is able to access the prepackaged medication, which itself must be opened to enable the user to engage the medication. Further, the '690 patent does not disclose a removable cover that enables a user to engage the medication contained the card surface, as claimed. Instead, the '690 patent teaches an envelope for holding the folded card/frame assembly and the prepackaged medication until it is retrieved by the user.

Therefore, Claim 1 is not anticipated by the '690 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '690 patent.

(2) Claim 5 of Applicant's Invention.

Unlike Claim 5, the package discussed in the '690 patent is not of the size and shape of credit card, but instead, the package is large and thick as it accommodates a folded card, a frame, a prepackaged medication or sugar packet, and an envelope. Further, the '690 patent does not teach or suggest a medication applied to the surface of a relatively rigid card-like base as recited in Claim 5, but instead, contains medication held within its own package and further inside a frame, a flexible folded card, and a flexible envelope. In addition, the '690 patent does not disclose a removable cover for enclosing the medication on a card surface; rather, the '690 package requires the user to remove the folded card from the envelope, unfold the card, remove the medication from the frame and open the medication package in order to access the medication.

Therefore, Claim 5 is not anticipated by the '690 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '690 patent.

(3) Claim 13 of Applicant's Invention.

Also unlike the subject matter disclosed in Claim 13, the medication package discussed in the '690 patent is not the size or shape of a credit card, but instead, is larger and thicker than a credit card because the package accommodates a folded card, a frame, a prepackaged medication or sugar packet, and an envelope. Further, the '690 patent does not teach or suggest a medication

contained within a shallow recess on the surface of a rigid, credit card-sized base as claimed; rather, the medication in the '690 patent contains medication held in its own package and further retained by a frame, a flexible folded card, and a flexible envelope. In addition, unlike Claim 13, the '690 patent does not disclose a removable cover disposed over the medication which permits a user to access the medication by simply removing or partially removing the removable cover.

Therefore, Claim 13 is not anticipated by the '690 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '690 patent.

(4) Claim 21 of Applicant's Invention.

Claim 21 distinguishes over the '690 patent as there is no disclosure in the '690 reference of a method for delivering a solubly removable medication applied to the surface of a card that is dispensed to the user by at least partially removing a removable cover and solubly removing the medication from the surface of the card. The medication of the '690 patent is not applied to a surface of a card, rather, it is held inside two halves of a card, and it is not solubly removable but is retained within its own packaging and must be opened to be removed by a user. Accordingly, in the '690 patent, the medication is delivered by packaging a prepackaged medication within a frame, between two halves of a folded card and inside an envelope, and dispensing the medication by opening the envelope, removing the card from the envelope, unfolding the card, removing the medication packet from the frame, opening the medication from its package, and taking the medication.

Therefore, Claim 21 is not anticipated by the '690 patent. Accordingly, Claim 21 and all claims depending from Claim 21 are believed patentable over the '690 patent.

(5) Claim 25 of Applicant's Invention.

Claim 25 distinguishes over the '690 patent as there is no disclosure in the '690 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '690 patent is not provided with medication applied to a card surface or a card base; rather, the medication is prepackaged and disposed within a frame, between two folded halves of a card and placed inside an envelope.

Therefore, Claim 25 is not anticipated by the '690 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '690 patent.

(6) Claim 31 of Applicant's Invention.

Claim 31 distinguishes over the '690 patent as there is no disclosure in the '690 reference of a method for achieving a therapeutic effect in a subject by simply contacting the surface of a card having a compound applied to the surface. Unlike Claim 31, the package discussed in the '690 patent is not provided with a compound applied to a card surface; rather, the medication dispensed by the '690 package is retained inside its own packet, and is supported within a frame, between the two halves of a folded card, and held inside an envelope. In the '690 patent, a therapeutic effect is achieved not by simply contacting a card surface containing a compound, but instead, by providing the envelope/assembly with the prepackaged medication enclosed, and opening the envelope, removing the card from the envelope, unfolding the card, removing the medication packet from the frame, opening the medication packet, and taking the medication.

Therefore, Claim 31 is not anticipated by the '690 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '690 patent.

(7) Claims 34 and 36 of Applicant's Invention.

Claims 34 and 36 are clearly distinguished from the '690 patent as there is no disclosure in the '690 reference of a dosage administration article or a therapeutic formulation comprising a card having a medication present in a therapeutic dosage applied to the surface of a card. Instead, the '690 patent discloses a medication package that includes a folded card, a frame for retaining a prepackaged medication, and an outer envelope. Unlike Claims 34 and 36, the envelope/folded card assembly disclosed in the '690 patent is not provided with medication applied to a surface or base, nor is the medication otherwise retained without first being packaged in its own packaging and held within the envelope/card assembly.

Therefore, Claims 34 and 36 are not anticipated by the '690 patent. Accordingly, Claims 34 and 36 are believed patentable over the '690 patent.

C. U.S. Patent No. 4,105,116 (the "'116 Patent") by Jones et al., issued August 8, 1978.

The '116 patent discloses a self-containing envelope assembly for mailing or transporting samples. The '116 patent recites a medication or sample provided in its own foil or paper packaging, which is in turn fitted within a sample-protector pocket formed of cardboard, which is

in turn sealed within an envelope. The sample protector is constructed of a relatively thick material to accommodate a relatively thick sample and to protect the sample during transportation. The envelope can be perforated along one edge to permit the sample to be removed. To remove the sample from the envelope, the envelope must be torn open, the sample is removed from the sample protector, and the sample's internal packaging is removed.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the '116 patent does not teach or suggest a package for dispensing a soluably removable medication from the surface of a card upon contact with a portion a user's mouth. In the '116 patent, the medication is neither contained on the surface of a rigid card-like base, nor soluably removable from a surface of the package. Rather, in the '116 patent, the sample can only be engaged by a user when the external envelope is torn open, the sample pocket is opened, the sample is removed, and the sample's packaging is opened. Clearly, the medication dispensed by the '116 package is not soluably removable from the package, but instead must be prepackaged to be incorporated in the package. Further, the '116 reference does not teach or suggest a removable cover to permit a user to engage a soluably removable medication contained on a card surface as recited in Claim 1.

Accordingly, Claim 1 is not anticipated by the '116 patent. Therefore, Claim 1 and all claims depending from Claim 1 are believed patentable over the '116 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the '116 reference does not teach or suggest a medication applied to the surface of a relatively rigid card-like base as claimed, but instead contains a prepackaged medication which fits into and is retained by a sample-protector pocket formed of thick cardboard. Further, in the '116 patent, the sample and the protector pocket are sealed within an envelope, and the assembly is larger and thicker than a typical credit card, unlike the subject matter disclosed in Claim 5. In addition, the package taught in the '116 patent does not include a removable cover which permits a user to access the medication as claimed, but requires the user to tear the envelope open, open and remove the sample from the protector pocket, and open the sample's own packaging.

Accordingly, Claim 5 is not anticipated by the '116 patent. Therefore, Claim 5 and all claims depending from Claim 5 are believed patentable over the '116 patent.

(3) Claim 13 of the Applicant's Invention.

As stated herein and unlike Claim 13, the '116 reference does not teach or suggest a package having medication disposed in a recess formed within a surface of a relatively rigid card-like base, but instead, teaches a package containing a prepackaged medication retained by a thick, cardboard sample-protector pocket and further sealed inside an envelope. In the '116 patent, the assembled medication package is larger and thicker than a typical credit card; rather, the package is thick in order to protect the internally stored sample. To access the sample of the '116 reference, the envelope is torn open, the protector pocket is opened, the sample is removed and the sample's packaging is opened. Further, unlike Claim 13, the sample contained within the '116 package is not accessible to the user by simply removing or partially removing a removable cover, as claimed, but instead, requires the user to: tear the envelope open, open and remove the sample from the protector pocket, and open the sample's packet.

Accordingly, Claim 13 is not anticipated by the '116 patent. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '116 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 distinguishes over the '116 reference by reciting a method of delivering a soluably removable medication applied to a card surface which is enclosed by a removable cover. Unlike Claim 21, in the '116 patent, the medication is not soluably removable from a the surface of the card, but is delivered to the user packaged in its own packet, and is retained within a protector pocket and further sealed within an envelope. Unlike Claim 21, the '116 reference does not teach or suggest a method for delivering a medication packaged in a medication-dispensing card that is dispensed to the user by at least partially removing a removable cover and soluably removing the medication from the surface of the card. Instead, in the '116 package, the medication is dispensed to the user by tearing open the external envelope, opening the cardboard protector pocket, removing the sample, and opening the sample's packaging.

Therefore, Claim 21 is not anticipated by the '116 patent. Accordingly, Claim 21 and all claims depending from Claim 21 are believed patentable over the '116 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '116 patent as there is no disclosure in the '116 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the '116 patent does not discuss a method for delivering medication using a card surface having medication applied to the surface and which is delivered to a user or removed from the packaging by simply contacting a surface of the card. Instead, the medication of the '116 patent is delivered inside an envelope assembly and dispensed by tearing open the outer envelope, removing the medication from the sample protector, and removing the medication from its own packet.

Therefore, Claim 25 is not anticipated by the '116 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '116 patent.

(6) Claim 31 of the Applicant's Invention.

Claim 31 distinguishes over the '116 patent as there is no disclosure in the '116 reference of a method for achieving a therapeutic effect in a subject by simply contacting the surface of a card having a compound applied to the surface. Unlike Claim 31, the package discussed in the '116 patent is not provided with a compound applied to a card surface; rather, the package contains a prepackaged medication which fits inside a sample-protector pocket formed of thick cardboard which is further retained within an envelope. In the '116 patent, a therapeutic effect is achieved when the user tears open the outer envelope, removes the medication from the sample protector, removes the medication from its own packet and ingests the medication.

Therefore, Claim 31 is not anticipated by the '116 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '116 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '116 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Instead, the '116 patent teaches a prepackaged medication retained inside a

sample protector and further retained inside an outer envelope. Also, unlike Claims 34 and 36, the envelope assembly is not card-like, nor contains a surface in which medication is applied.

Therefore, Claims 34 and 36 are not anticipated by the '116 patent. Accordingly, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '116 patent.

D. U.S. Patent No. 4,429,792 (the "'792 Patent") by Machbitz, issued February 7, 1984.

The '792 patent discloses a medication dispensing card that includes an inner pack which protects the medication and a outer cover that provides a relatively rigid card-like supporting structure for the inner pack. The inner pack contains a clear, plastic sheet ("blister sheet") having compartments/receptacles sized to receive a pill or tablet. The blister sheet can be provided with receptacles having different sizes to accommodate different sized medication. A frangible backing is laminated to the blister sheet, sealing the medication inside the receptacles. The blister sheet is provided with score lines so that individual receptacles containing unused medication can be separated from the complete inner pack.

The outer cover has two panels with each panel having apertures. The top panel has apertures in the same pattern as the receptacles in the blister sheet and the apertures are large enough to allow the pill/item and its associated receptacle to fit through. The back panel has apertures large enough to force the pill through the frangible backing without damaging the pill. The panels are sealed together. In order to access the medication, the user presses down on the receptacle containing the medication and forces it through the frangible backing, rupturing the backing.

The '792 patent discloses a method for assembling a medication dispensing card including placing single doses of medication within the pockets formed in a blister sheet, sealing the pockets by adhering a frangible backing to the blister sheet, and encasing the sealed pocket between a front panel having apertures for accommodating the pockets and a back panel having apertures that allow the medication to be ejected through the breakable backing. The '792 patent further discloses a method of recovering unused medication from the dispensing card comprising separating the top and bottom panels from each other and removing the inner pack positioned therebetween. The '792 patent also discloses a method for repackaging unused medication from the dispensing card comprising separating the top and bottom panels from each other, removing

the inner pack positioned therebetween, separating the used and unused medication compartments, and replacing the unused medication compartments in a new outer cover.

(1) Claim 1 of the Applicant's Invention.

Claim 1 clearly distinguishes over the '792 patent by reciting a relatively rigid card-like base having a surface containing a solubly removable medication which can be removed from the card by contact with a portion of the user's mouth. Rather, the '792 patent includes a three layer package for retaining pills or tablets, in which a receptacle containing a pill must be depressed and the medication forced through the frangible backing before the user can engage the medication. Further, the frangible backing described in the '792 patent is not removable to permit access to the medication, as claimed, but instead, is ruptured or otherwise punctured when the receptacle is depressed, enabling the user to engage the medication.

Therefore, Claim 1 is not anticipated by the '792 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '792 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the package discussed in the '792 patent is not of the size and shape of credit card, because the thickness of the package accommodates the pill or tablet to be dispensed. The '792 reference does not teach or suggest a medication that is applied to the surface of a rigid credit card-sized base, as claimed, but instead, teaches a medication retained inside a package between a frangible backing and a blister sheet, and further supported by an outer covering. The receptacles for retaining the medication of the '792 patent are not rigid, nor card-like as claimed because they must permit the user to depress and deform the receptacles to retrieve the medication contained therein. Further, unlike Claim 5, the frangible backing of the '792 patent is not a removable cover which can be removed to permit access to the medication, but instead, must be ruptured or otherwise punctured when the receptacle is depressed to release the medication.

Therefore, Claim 5 is not anticipated by the '792 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '792 patent.

(3) Claim 13 of the Applicant's Invention.

Unlike the subject matter disclosed in Claim 13, the medication package discussed in the '792 patent is not the size or shape of a credit card as the size and thickness of the package must accommodate a medication in pill or tablet form and includes three layers of packaging. Further, the '792 patent does not teach or suggest a medication contained within a shallow recess on the surface of a credit card-sized base, as claimed; rather, the medication in the '792 patent is held within a receptacle large enough to fit a pill or tablet and enclosed by a frangible backing which is further enclosed by an outer cover. In addition, the receptacles for retaining the medication of the '792 patent are not rigid, nor card-like as in Claim 13, because the receptacles must be depressed and deformed to retrieve the medication contained therein. Further, unlike Claim 13, the frangible backing of the '792 patent, once sealed to the blister sheet, is not removable or partially removable to permit access to the medication, but instead, must be ruptured or otherwise punctured to force the medication out through the ruptured membrane.

Therefore, Applicant believes Claim 13 is not anticipated by the '792 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '792 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '792 patent by reciting a method for delivering medication using a relatively rigid card-like base having a surface containing a solubly removable medication. Unlike Claim 21, the medication in the '792 patent is not delivered using a card surface or a card-like base which has medication applied thereto, nor is the medication in the '792 patent enclosed inside the package using a removable cover. Moreover, the '792 reference does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and solubly removing the medication from the surface of a base. Rather, in the '792 patent, the medication is delivered to the user by providing tablets to a user inside the blister sheet/frangible backing/outer cover assembly, depressing a bubble containing a tablet, forcing the tablet out of the back of the card, rupturing the frangible, and removing the medication to engage the tablet.

Accordingly, Claim 21 is not anticipated by the '792 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '579 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '792 patent as there is no disclosure in the '792 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '792 patent is not provided with medication applied to a card surface or a card base; rather, the medication is provided to the user inside a receptacle which is sealed by a frangible backing and surrounded by an outer cover. Further, the medication disposed between the blister sheet and the frangible backing in the '792 patent is not removed by or delivered to a user by simply contacting a card surface as claimed, but instead, the receptacle containing the medication is depressed and the medication is forced out through the frangible backing in order to be removed from the package.

Therefore, Claim 25 is not anticipated by the '792 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '792 patent.

(6) Claim 31 of the Applicant's Invention.

Claim 31 distinguishes over the '792 patent as there is no disclosure in the '792 reference of a method for achieving a therapeutic effect in a subject by simply contacting a surface of a card. As stated herein and unlike Claim 31, the package discussed in the '792 patent is not provided with a compound applied to a card surface; rather, the package dispenses medication tablets or pill that are provided to the user inside a receptacle which is sealed by a frangible backing and surrounded by an outer cover. Moreover, the medication in the '792 patent is not administered to a user or removed from the packaging by simply contacting a surface of the blister sheet, backing layer or outer cover. Instead, the pill or tablet must be forced out through the backing material to be removed from the sealed receptacle.

Therefore, Claim 31 is not anticipated by the '792 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '792 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '792 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Instead, the '792 patent includes a blister sheet and a frangible backing layer which together hold the pill or tablet to be dispensed but which does not contain a medication

actually applied to a surface or either. Further, unlike Claims 34 and 36, the package consisting of the blister sheet, frangible backing and outer cover is not card-like as it contains bubbles or receptacles thick enough to hold pills or tablets.

Therefore, Claims 34 and 36 are not anticipated by the '792 patent. Accordingly, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '792 patent.

E. U.S. Patent No. 4,535,890 (the "'890 Patent") by Arts, issued August 20, 1985.

The '890 patent discloses a medication package containing a receptacle for holding a medication and a lid. The receptacle is formed from a rectangular sheet and is provided with a capsule or tablet-sized cavity for receiving medications. The receptacle contains two flaps formed on opposite sides of the rectangular receptacle sheet. Each flap is made flexible or bendable by slits cut into the receptacle sheet, forming an end piece on each short end of the receptacle.

The lid is approximately the size of the receptacle sheet and at each edge contains a groove, approximately the same size as the slit in the receptacle sheet. The receptacle sheet is slidably received by the groove to cover the cavity containing the medication. When the container is closed, the lid covers the cavity and the grooves formed in the lid engage both long sides of the receptacle sheet. To open the container, the end pieces on the receptacle sheet must be bent or folded down and the receptacle sheet simultaneously slid or pushed apart from the lid until the medication is exposed.

(1) Claim 1 of the Applicant's Invention.

Claim 1 clearly distinguishes over the '890 patent by reciting a relatively rigid card-like base having a surface containing a solubly removable medication which can be removed by contact with at least a portion of the user's mouth. Unlike Claim 1, the receptacle disclosed in the '890 patent does not contain a surface in which a solubly removable medication is contained, nor is the receptacle credit-card sized, as the medication is held within a receptacle formed to be thick enough to contain a tablet or pill. Further, the receptacle sheet of the '890

patent is flexible and not rigid, permitting the flaps formed in each end of the receptacle sheet to be bent by the user to slidably remove the lid to retrieve the medication in the receptacle.

Accordingly, Claim 1 is not anticipated by the '890 patent. Therefore, Claim 1 and all claims depending from Claim 1 are believed patentable over the '890 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the receptacle disclosed in the '890 patent is not credit card sized, as it is formed to be thick enough to contain a tablet or pill. Further, the receptacle sheet of the '890 reference is flexible and not rigid, permitting the flaps formed in each end of the receptacle sheet to be bent by the user to slidably remove the lid to retrieve the medication in the receptacle. The '890 patent does not disclose a medication applied to the surface of the receptacle or to a rigid credit card-sized base, as in Claim 5; rather, the pill or tablet is held within the receptacle and retained within the receptacle by the lid. In addition, the lid of the '890 patent slidably engages the receptacle to cover the medication, and the flaps must be bent to access the medication. Unlike the removable cover recited in Claim 5, the lid of the '890 patent is not secured to the receptacle.

Therefore, Claim 5 is not anticipated by the '890 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '890 patent.

(3) Claim 13 of the Applicant's Invention.

Unlike Claim 13, the receptacle disclosed in the '890 patent is not credit card sized, nor is the receptacle shallow, as the receptacle is formed to be thick enough to contain a tablet or pill. Further, the '890 patent does not teach or suggest a medication contained within a shallow recess on the surface of a credit card-sized base, as claimed; rather, the pill or tablet dispensed by the '890 package is held within the receptacle and retained within the receptacle by the lid. Further, unlike Claim 13, the receptacle sheet is flexible and not rigid, permitting the flaps formed in each end of the receptacle sheet to be bent by the user to slidably remove the lid to retrieve the medication in the receptacle.

Therefore, Applicant believes Claim 13 is not anticipated by the '890 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '890 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 is clearly distinguished from the '890 patent as there is no disclosure in the '890 reference of a method for delivering a medication packaged in a medication-dispensing card having a solubly removable medication applied to a surface of a card which is exposed to the user by at least partially removing a removable cover and solubly removing the medication from the surface of the card. Rather, in the '890 patent, the medication is delivered to the user by providing a tablet disposed inside a receptacle sheet which is retained and enclosed by a lid, bending the end flaps of the receptacle, slidably removing the lid to access the medication, and removing the medication. Unlike Claim 21, the '890 patent does not disclose a method for delivering a medication packaged on a card base which is enclosed by a removable cover. Further, the '890 reference does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and solubly removing the medication from the surface of a base.

Accordingly, Claim 21 is not anticipated by the '890 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '890 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '890 patent as there is no disclosure in the '890 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '890 patent is not provided with medication applied to a card surface or a card base; rather, the pill or tablet dispensed by the '890 package is provided to the user inside a receptacle that is sealed by a lid. Further, the medication disposed inside the sealed receptacle of the '890 reference is not removed by or delivered to a user by simply contacting a card surface as recited in Claim 25. Instead, in the '890 patent, the medication is delivered to a user packaged inside the sealed receptacle, and the user must bend or flex the receptacle flaps and at the same time slidably move the lid to reveal the medication, and then the user may contact and remove the pill or tablet.

Therefore, Claim 25 is not anticipated by the '890 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '890 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '890 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '890 patent discloses a method of dispensing medication tablets or pills which are retained within a receptacle sheet and a lid, and which can not be applied to a card surface. Further, in the '890 patent, a therapeutic effect is achieved when the user bends the receptacle flaps, slidably removes the lid, and takes the medication tablet or pill. Unlike Claim 31, the medication is in pill or tablet form and must be ingested by a user, and is not administered to a user by contacting the surface of the lid or the receptacle.

Therefore, Claim 31 is not anticipated by the '890 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '890 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '890 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '890 patent discloses a medication pill or tablet that is held inside a receptacle having a thickness large enough to contain a tablet or pill, and which is not card-like in shape. Further unlike Claims 34 and 36, the pill or tablets dispensed in the '890 patent are not applied to a card surface but are retained within a sealed receptacle by a lid.

Accordingly, Claims 34 and 36 are not anticipated by the '890 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '890 patent.

F. U.S. Patent No. 4,889,236 (the "'236 Patent") by Bartell et al., issued December 26, 1989.

The '236 patent discloses a credit-card sized blister-pack medication package. The card is constructed of three portions, an upper portion, a middle portion, and a lower portion. The upper portion is constructed of a rigid material and can range from 0.020 inches to 0.040 inches thick. The top side of the upper portion is printed with calendar indicia. Both sides of the upper portion are then laminated or otherwise coated to protect the upper portion. The bottom side of the upper

portion is provided with an adhesive to adhere the upper portion to the middle portion. The upper portion is punched with a plurality of apertures sized to fit the medication to be contained within the package.

The middle portion is constructed of a thin flexible material having a thickness of between 0.005 inches and 0.015 inches and is approximately the same peripheral dimensions as the upper portion. The middle portion contains a plurality of pockets formed therein which are circumferentially sized to fit through the apertures in the upper portion and which are thick enough to contain a pill or tablet. The pockets are arranged in the same manner as the apertures present in the upper portion. The bottom surface of the middle portion is provided with an adhesive to adhere the middle portion to the lower portion.

The lower portion is a single layer of frangible material having a thickness of between about 0.001 inches and 0.005 inches and is approximately the same peripheral dimensions as the upper portion. The top side of the lower portion is adhered to the bottom surface of the middle portion, completing the medication package. To remove the medication from the package, the user presses on the blister containing the medication and forces it through the back side of the frangible lower portion of the package. The package can also be provided with an envelope or carrying pouch to contain the blister package.

(1) Claim 1 of the Applicant's Invention.

Claim 1 distinguishes over the '236 patent by reciting a card-like base containing a medication that is capable of being solubly removable upon contact with at least a portion of a user's mouth, and which further includes a removable cover disposed over the medication. Unlike Claim 1, the '236 patent fails to disclose a relatively rigid card-like base containing a medication that can be solubly removed by contact with the user's mouth; instead, the '236 patent discloses a three piece card-shaped package for dispensing medication tablets which must be removed from the bubble layer by depressing the bubble and forcing the pill through the frangible backing layer. Further, the frangible backing layer described in the '236 patent is not removable to permit a user to engage the medication with a portion of the user's mouth, like the cover recited in Claim 1, but instead, is ruptured or otherwise punctured to permit the user to release the medication tablets.

Therefore, Claim 1 is not anticipated by the '236 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '236 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the package discussed in the '236 patent is not of the size and shape of credit card, because the thickness of the package accommodates the plurality of tablets or pills to be dispensed. The '236 patent does not teach or suggest a rigid card-like base having a medication applied to a surface of the base as recited in Claim 5; rather, the '236 reference discloses a three piece card-shaped package including bubble layer for holding pills or tablets and a frangible backing layer adhered to the bubble layer which retains and encloses the medication tablets inside the package. Further, the frangible layer of the '236 patent is not removable or partially removable to permit access to the medication like the cover recited in Claim 5, but instead, must be ruptured or otherwise punctured to release the medication.

Therefore, Claim 5 is not anticipated by the '236 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '236 patent.

(3) Claim 13 of the Applicant's Invention.

Unlike the subject matter disclosed in Claim 13, the medication package discussed in the '236 patent is not the size or shape of a credit card because the package must be thick enough to accommodate a plurality of pills or tablets and includes three layers of packaging. Further, the '236 patent does not teach or suggest a medication contained within a shallow recess on the surface of a rigid credit card-sized base, as recited in Claim 13; rather, the medication in the '236 patent is held inside a bubble layer which is sealed by a frangible layer and further supported by a top layer. Further, the frangible layer of the '236 patent, once sealed to the bubble sheet, is not removable or partially removable to permit access to the medication, but instead, the bubble layer must be depressed and the frangible layer must be ruptured or otherwise punctured to force the medication out of the package.

Therefore, Applicant believes Claim 13 is not anticipated by the '236 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '579 patent.

(4) Claim 21 of the Applicant's Invention.

Unlike the method recited in Claim 21, the '236 patent does not teach or suggest a method for delivering a medication on the surface of the card which is soluably removable from the surface by the user. Rather, in the '236 patent, the medication is provided in tablet-form and is retained and enclosed inside a bubble layer by a frangible backing, with the enclosed tablets being supported by a rigid top layer which aids in the retrieval of medication from the package. In the '236 patent, the medication is removed from the package by depressing a bubble protruding through the top layer which forces the pill through the frangible backing out the back of the card, rupturing the layer to obtain access to the medication. However, unlike Claim 21, the medication in the '236 patent is not delivered using a card surface or a card-like base which has medication applied thereto, nor is the medication in the '236 patent enclosed within the bubble pack using a removable cover. Moreover, the '236 reference does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and soluably removing the medication from the surface of a base.

Accordingly, Claim 21 is not anticipated by the '236 patent because this reference does not disclose all the elements of Claim 21. Therefore, Claim 21 is believed patentable over the '236 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '236 patent as there is no disclosure in the '236 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '236 patent is not provided with medication applied to a card surface or a card base; rather, the medication is provided in tablet-form and is retained and enclosed inside a bubble layer by a frangible backing, with the enclosed tablets being further supported by a rigid top layer. Moreover, unlike Claim 25, the medication held inside the bubble sheet by the frangible backing is not delivered to a user or removed from the package by simply contacting a surface of the package. Instead, in the '236 patent, the medication is dispensed to a user by depressing a bubble of the bubble sheet protruding through the top layer, and forcing the pill through the frangible backing out the back of the card to remove the pill from the package.

Therefore, Claim 25 is not anticipated by the '236 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '236 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '236 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '236 patent discloses a method of dispensing medication tablets or pills which are retained within a bubble layer and frangible layer, and which are not applied to a card surface or even contained within a card-like surface. Moreover, unlike Claim 31, the medication held within the pocket of the bubble sheet by the frangible backing is not administered to a user or removed from the pocket by simply contacting a surface of the package. Instead, in the '236 patent, the medication is administered to a user by depressing a bubble protruding through the top layer, forcing the pill through the frangible backing out the back of the card, removing the pill, and ingesting the pill.

Therefore, Claim 31 is not anticipated by the '236 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '236 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '236 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to the surface of a card. Unlike Claims 34 and 36, the '236 patent discloses a medication pill or tablet that is held within a bubble sheet having a thickness large enough to contain a tablet or pill and which does not card-like surface. Further, the '236 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing a plurality of tablets held inside pockets formed in a bubble layer which are retained within the pockets by the frangible layer.

Accordingly, Claims 34 and 36 are not anticipated by the '236 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '236 patent.

G. U.S. Patent No. 4,972,657 (the "'657 Patent") by McKee, issued November 27, 1990.

The '657 patent discloses a method of packaging medication for controlled dispensing and an apparatus for controlled dispensing of medication. The method includes assigning an identification code to each of the medications to be taken by a given patient for a single day,

enclosing each individual medication to be taken that day in a sealed packet, and marking the packet with the identification codes of the medication contained therein. Further, the method includes providing a set of envelopes corresponding to each day the medication is prescribed which is capable of containing at least one packet. The envelope is provided with a transparent portion is used to view the identification codes on the packets contained inside and is provided with markings corresponding to the identification codes of each medication packet contained inside the envelope.

The '657 patent further discloses a medicine dispensing aid including an envelope and individually packages dosages of medication contained inside the envelope. Each envelope is constructed of two layers of uniformly sized material overlaying each other. One of the layers is transparent for viewing the medication packets inside the envelope. The layers of material are joined together along three sides in a U-shaped manner, leaving one side of the envelope open for receiving medication packets. A flap is contained along the open side of the envelope.

Sets of envelopes are produced in a continuous form in the above-described form and are separable by perforations. The each envelope in the set is printed with indicia corresponding to the dosage times, patient name and the identification codes of each medication packet to be contained inside the envelope. Medication packets are placed in the envelope and the flap on the open end is folded over and adhered in place to seal the envelope closed. The envelopes are further provided with perforations or zip-lock type opening for ease of opening. The medicine dispensing aid further includes a computer for storing the information to be printed on the outside of the envelopes.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the '657 reference does not teach or suggest a package for dispensing a solubly removable medication from the surface of a card upon contact with a portion of a user's mouth; rather, the '657 discusses a package for holding pills or tablets inside two sealed envelopes, each of which must be opened before the user may engage the medication. Unlike Claim 1, the envelopes disclosed in the '657 reference are not rigid, nor are the envelopes substantially similar to a card-like base in size or shape. Instead, both envelopes are flexible to permit printing, and the completed package will have the size and thickness necessary to retain a plurality of tablets or pills. Further, unlike Claim 1, the pills dispensed by the '657 package are

not contained on a surface of either envelope, but instead, the envelopes sealably retain the medication inside the package. Finally, the package of the '657 patent fails to disclose a removable cover as recited in Claim 1.

Therefore, Claim 1 is not anticipated by the '657 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '657 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the package discussed in the '657 patent is not of the size and shape of credit card as the completed package will be thick enough to accommodate a plurality of tablets or pills. The '657 patent does not teach or suggest a rigid card-like base having a medication applied to a surface of the base as recited in Claim 5; rather, the pills or tablets of the '657 reference are retained inside a small, flexible medication packet and further retained inside a large, flexible medication-dispensing. Further, both envelopes of the '657 patent sealably retain the medication within the packaging, which must be opened to release the medication, and there is no disclosure of a removable or partially removable cover to permit access to the medication, as recited in Claim 5.

Therefore, Claim 5 is not anticipated by the '657 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '657 patent.

(3) Claim 13 of the Applicant's Invention.

As stated herein and unlike Claim 13, the '657 reference does not teach or suggest a medication contained within a shallow recess formed within a surface of a relatively rigid card-like base, but instead, discloses tablets or pills retained inside a small, flexible medication packet which are further retained within a large, flexible envelope. Unlike the invention disclosed in Claim 13, neither of the envelopes is rigid or card-like, contain medication disposed within a recess present on the surface of a card-like base, or is sized to have the dimensions of a typical credit card. Instead, both envelopes are flexible to permit printing and both envelopes sealably retain the medication inside the packaging. Accordingly, unlike Claim 13, the tablets contained within the '657 package are not accessible to the user by simply removing or partially removing a removable cover, as claimed, but instead, requires the user to tear both the external envelope and internal packet open to access the medication inside the package.

Accordingly, Claim 13 is not anticipated by the '657 patent. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '657 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '657 patent by reciting a method for delivering medication using a relatively rigid card-like base having a surface containing a solubly removable medication. Rather, in the '657 patent, the medication is provided in tablet-form and is retained and sealed inside a first outer, flexible envelope and further retained and sealed within a smaller medication packet. In the '657 patent, the medication is not dispensed to the user by at least partially removing a removable cover, and solubly removing the medication from the surface of a card-like base; instead, the medication is dispensed by opening the outer envelope, opening the inside envelope to expose the tablets, and removing the tablets from the packet.

Accordingly, Claim 21 is not anticipated by the '657 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '657 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '657 patent as there is no disclosure in the '236 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '657 patent is not provided with medication applied to a card surface or a card base; rather, the medication is provided in tablet-form and is retained and enclosed within a first smaller, flexible packet and further sealed within an outer, flexible envelope. Moreover, the medication in the '657 patent is not delivered to a user or removed from the packaging by simply contacting a surface of either envelope. Instead, in the '657 patent, the outer envelope is torn or otherwise opened, the internal medication packet is removed from the outer envelope, the internal medication packet is opened and then the medication is removed in order to be administered or delivered to the user.

Therefore, Claim 25 is not anticipated by the '657 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '657 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '657 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '657 patent discloses a method of dispensing medication tablets or pills which are retained and sealed within an outer, flexible envelope and further retained and sealed within a smaller medication packet, and which are not applied to a card surface or even contained within a card-like surface. Moreover, the medication in the '657 patent is not administered to a user or removed from the packaging by simply contacting a surface of either envelope. Instead, in the '657 patent, the medication is administered by opening the outer envelope, opening the inside envelope, removing the medication, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '657 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '657 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '657 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '657 patent discloses a medication pill or tablet that is held within a two sealed, flexible envelopes having a thickness large enough to contain a tablet or pill, and which is not a card-like surface. Further, the '657 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing a plurality of tablets held inside first sealed packet and then subsequently sealed within an outer, flexible envelope.

Accordingly, Claims 34 and 36 are not anticipated by the '657 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '657 patent.

H. U.S. Patent No. 5,009,894 (the "'894 Patent") by Hsiao, issued April 23, 1991.

The '894 patent discloses a breakable packet containing a pharmaceutical preparation and method of administering a pharmaceutical preparation. The medication packet is constructed of two layers, a covering member and a backing sheet. The covering member contains a hollow

main portion having a half-cylindrical cross-section, a hollow neck portion having a smaller-sized, half-frusto-conical cross-section, a hollow head portion having a half-spherical cross section, and a planar flange portion surrounding the hollow portions. The covering member is a light-transmissive material to permit viewing of the medication through the covering member.

The backing sheet is a thin, flexible material and provides a certain degree of frangibility. The backing sheet is bendable when subjected to external forces. After filled with medication pellets, the backing sheet is sealed to the flange of the covering member to enclose the medication pellets.

The medication packet is provided with a frangible portion which when broken, enables removal of the pellets. When the packet is bent at the neck portion, the covering member cracks into two fractured parts, both of which remain adhered to the flange portion. The neck portion then provides a spout in which the medication pellets can pass. The backing sheet can further be provided with crease line to facilitate breaking the packet open. Packets can be attached to the same backing sheet and can be separated by tearing along notches or perforations provided in the backing sheet between packets.

The medication pellets contain a pharmaceutical preparation comprising one or more active ingredients and pharmaceutically acceptable excipients, binders, and fillers. The pellets also contain a non-tacky, basic outer coating. This coating prevents the medication pellets from being dissolved upon contact with the user's saliva and, instead, delays dissolution until the pellets reach the gastric juices of the user's stomach.

The '894 patent further discloses a method of administering an orally active pharmaceutical preparation comprising breaking open a frangible packet (constructed as described above) and pouring the pellets from the pouring spout into the user's mouth.

(1) Claim 1 of the Applicant's Invention.

Claim 1 distinguishes over the '894 patent by reciting a card-like base containing a medication that is capable of being solubly removable upon contact with a portion of a user's mouth, and which further includes a removable cover disposed over the medication. Unlike Claim 1, the pellets disclosed in the '894 patent are intentionally designed to resist dissolution in contact with the user's saliva, and instead, are coated to delay dissolution until the pellets are ingested. Further, the '894 reference does not teach or suggest a medication that is applied to the

surface of a rigid, card-like base, as claimed, but instead, teaches a medication retained in a package having a recess for receiving coated pellets of medication and a flexible, frangible backing for enclosing the medication within the recess. The recess discussed in the '894 patent is substantially bottle-shaped, is large and thick enough to contain the pellets but is not card-like, as the card recited in Claim 1. To engage the medication of the '894 reference, the packaging is bent and broken at the neck portion of the recess, forming a spout in which the pellets can be poured.

Therefore, Claim 1 is not anticipated by the '894 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '894 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the '894 reference does not teach or suggest a medication that is applied to the surface of a rigid, credit card-sized base, but instead, teaches a medication retained in a package having a thick, bottle-shaped receptacle in order to accommodate the coated pellets of medication. Further, the '894 patent does not disclose a rigid card-like base having a medication applied to a surface of the base as recited in Claim 5; rather, the '894 reference discloses a receptacle for containing pellets which is sealed by a flexible, frangible backing for enclosing the medication. Further, the medication package of the '894 patent does not contain a removable or partially removable cover to permit access to the medication, but instead, to access the medication, the packaging must be bent and broken at the neck portion of the recess which forms a spout in which the pellets can be poured.

Therefore, Claim 5 is not anticipated by the '894 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '894 patent.

(3) Claim 13 of the Applicant's Invention.

Unlike Claim 13, the package disclosed in the '894 patent is not rigid, credit-card sized, or card-like; rather, the '894 reference teaches a medication retained in a thick, bottle-shaped receptacle in order to accommodate the coated pellets of medication. Further, the '894 patent does not teach or suggest a medication contained within a shallow recess on the surface of a rigid, credit card-sized base, as claimed; rather, the medication in the '894 patent is held within the receptacle and sealed by a frangible backing. Further, unlike Claim 13, the '894 patent fails

to disclose a removable or partially removable cover to permit access to the medication, but instead, provides a frangible backing that permits the receptacle to be bent and broken at the neck portion of the recess which forms a spout from which the pellets can be poured.

Therefore, Applicant believes Claim 31 is not anticipated by the '894 patent.

Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '894 patent.

(4) Claim 21 of the Applicant's Invention.

Unlike the method recited in Claim 21, the '894 patent does not teach or suggest a method for delivering a medication using a relatively rigid card-like base having a surface containing a solubly removable medication. Rather, in the '894 patent, the medication is provided in pellet-form and is retained and enclosed within a sealed receptacle. Importantly, the pellets disclosed in the '894 patent are intentionally designed to resist dissolution in contact with the user's saliva, and instead, are coated to delay dissolution until the pellets are ingested. Further, unlike Claim 21, the package disclosed in the '894 patent is not card-like, nor does it contain medication disposed on a card surface, or on the surface of the receptacle. As stated previously, unlike Claim 21, to access the medication of the '894 patent, the packet is bent and broken at the neck portion of the recess, forming a spout in which the pellets can be poured. In addition, the '894 patent fails to disclose a removable cover enclosing the medication disposed within the recess.

Accordingly, Claim 21 is not anticipated by the '894 patent because this reference does not disclose all the elements of Claim 21. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '894 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '894 patent as there is no disclosure in the '894 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '894 patent is not provided with medication applied to a card surface or a card base; rather, the medication is provided in pellet-form and is retained inside a breakable medication packet. Moreover, the medication in the '894 patent is not delivered to a user or removed from the packaging by simply contacting a surface of the packaging. Instead, the

medication packet must be broken at the neck portion and opened in order for the user to contact or remove the medication.

Therefore, Applicant believes Claim 25 is not anticipated by the '894 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '894 patent.

(6) Claim 31 of the Applicant's Invention.

Claim 31 is clearly distinguished from the '894 patent by reciting a method for achieving a therapeutic effect by administering an effective amount of a compound using a card having a compound applied to the surface of a card. Unlike Claim 31, the '894 patent discloses medication pellets provided inside a sealed, bottle-shaped medication package, and does not teach or suggest medication applied to the surface of a card. Accordingly, unlike Claim 31, the medication in the '894 patent is not administered to the user on a card surface, nor removed from the package by simply contacting a card surface, but instead, is administered by bending the packet, breaking the packet open at the neck portion, forming a spout in which the pellets can be poured, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '894 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '894 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described herein and unlike Claims 34 and 36, the '894 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '894 patent discloses medication pellets are held within a sealed, substantially bottle-shaped medication package having a thickness large enough to contain the pellets, and which is not card-like and does not contain a card-like surface. Further, the '894 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing a plurality of pellets held inside a receptacle which is sealed by a frangible backing sheet.

Accordingly, Claims 34 and 36 are not anticipated by the '894 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '894 patent.

I. U.S. Patent No. 5,131,760 (the "'760 Patent") by Farmer, issued July 21, 1992.

The '760 patent discloses a package which contains a single dose of liquid or semi-solid material. The package contains two sheets of material which are substantially identical to each other and have the same size and shape. The two sheets are attached to each other and permanently bonded together around a majority of the perimeter of the sheets, forming a large void or a chamber. The large chamber can be divided into two contiguous, smaller chambers separated by a seal designed to burst when pressure is applied to the package. Further, the unsealed portion of the package's perimeter is closed with a discharge seal that will burst as pressure is exerted on the package.

Medication or another fluid is contained within a first chamber. To open the package, a user applies pressure to the first chamber of the package using a thumb and a forefinger that causes the intermediate seal to burst, forcing the fluid into the second chamber. As the second chamber fills with fluid and the pressure of the fluid inside the second chamber increases, the discharge seal breaks open and the fluid is discharged to the user from the package.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the package disclosed in the '760 patent is not rigid or card-like, nor does it contain a solubly removable medication contained on a surface of a card; rather, the medication of the '760 patent is in liquid or fluid form and must be retained inside the sealed chamber formed from two flexible layers. Further, the package of the '760 patent is not sized to have the dimensions of a typical card or card-like base, but instead, is thicker and larger than a card base in order to accommodate the fluid medication. In addition, the '760 patent fails to disclose a removable cover disposed over the medication applied to the card which is removed to permit engagement of the medication with the user's mouth. Instead, to access the medication, the pressure is applied to the chamber containing the liquid causing one of the perimeter seals to break and release the medication.

Therefore, Applicant believes Claim 1 is not anticipated by the '760 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '760 patent.

(2) Claim 5 of the Applicant's Invention.

As stated herein and unlike the subject matter recited in Claim 5, the package disclosed in the '760 patent is not rigid or card-like, nor does it contain medication disposed on a surface of a card-like base; rather, the medication is fluid and in order to be retained by the packaging, it must be disposed inside the flexible, sealed chamber. Further, the package of the '760 patent is not sized to have the dimensions of a typical credit card, but instead, is thicker and larger than a credit card in order to accommodate the liquid medication. In addition, the '760 patent fails to disclose a removable cover disposed over the medication secured to a card-like base which is removed to permit access to the medication. Instead, to access the medication of the '760 patent, a user applies pressure to the medication-containing chamber which causes one of the perimeter seals to break, releasing the medication from the package.

Accordingly, Claim 5 is not anticipated by the '760 patent. Therefore, Claim 5 and all claims depending from Claim 5 are believed patentable over the '760 patent.

(3) Claim 13 of the Applicant's Invention.

Also unlike the subject matter recited in Claim 13, the package disclosed in the '760 patent is not rigid or card-like, nor does it contain medication disposed within a shallow recess on a surface of a card-like base; rather, the medication is disposed between two flexible layers and is retained within the sealed chamber. Further, as stated herein, the package of the '760 patent is not sized to have the dimensions of a typical credit card, but instead, is thicker and larger than a credit card in order to accommodate the liquid medication. In addition, unlike Claim 13, the '760 patent fails to disclose a removable cover disposed over the medication on a card-like base that is at least partially removable to permit access to the medication. Instead, to access the medication, the pressure is applied to the chamber containing the liquid causing one of the perimeter seals to break and release the medication.

Accordingly, Claim 13 is not anticipated by the '760 patent. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '760 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '760 patent by reciting a method for delivering medication packaged on a card-like base having a surface containing a solubly removable medication. Rather, in the '760 patent, the medication is fluid and must be disposed between inside a sealed chamber in order to be retained by the packaging. Unlike Claim 21, the medication in the '760 patent is not delivered using a card surface or a card-like base which has medication applied thereto, nor is the medication in the '760 patent enclosed within package using a removable cover. Moreover, the '760 reference does not disclose a method for dispensing a medication to the user by at least partially removing the cover, and solubly removing the medication from the surface of a base. Instead, the liquid medication is dispensed from the sealed chamber by applying pressure to the chamber, and breaking the seal of the chamber which then enables the user to access the medication.

Accordingly, Claim 21 is not anticipated by the '760 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '760 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '760 patent as there is no disclosure in the '760 reference of a method for using a card surface to deliver a medication. Rather, in the '760 patent, the medication is provided with a flexible packaging comprising a sealed pouch or chamber that is unlike the card-surface recited in Claim 25. The medication of the '760 patent is liquid and therefore must be retained within the sealed chamber. Further, unlike Claim 25, the medication in the '760 patent is not removed by the user or delivered to a user by simply contacting the surface of the chamber. Instead, in the '760 patent, the medication is delivered to the user by packaging the liquid medication within a sealed chamber, applying pressure to the chamber using the user's hand, breaking of one the seals joining the flexible sheets together, releasing the medication from the chamber and ingesting the medication.

Therefore, Applicant believes Claim 25 is not anticipated by the '760 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '760 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '760 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '760 patent discloses a method of dispensing fluid medication sealed in a chamber consisting of two flexible sheets that are joined around the perimeter. Unlike Claim 31, the medication in the '760 patent is not administered to a user by means of a card surface, and is not removed by the user or administered to a user by simply contacting the surface of the chamber. Instead, the medication of the '760 patent is administered to the user by applying pressure to the chamber using the user's hand, breaking one of the seals joining the flexible sheets together, releasing the medication from the chamber, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '760 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '760 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '760 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '760 patent discloses a liquid or fluid medication a sealed, flexible pouch having a thickness large enough to accommodate a volume of liquid medication, and which is not similar to card surface recited in Claims 34 and 36. Further, the '760 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing liquid medication disposed in a sealed chamber consisting of two flexible sheets that are joined around the perimeter.

Accordingly, Claims 34 and 36 are not anticipated by the '760 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '760 patent.

J. U.S. Patent No. 5,390,796 (the "'796 Patent") by Kerfoot, Jr., issued February 21, 1995.

The '796 patent discloses a file-indexed medication dispensing envelope apparatus that can be filled with small medications including pills, tablets or capsules. The apparatus includes a rectangular transparent or semi transparent flexible sheet of material and a larger, printable

flexible backing material. The transparent sheet is joined to the backing sheet near its lower portion on three sides, forming a pocket for receiving medication. The top side of the transparent sheet is joined to the backing material by a semi-permanent bonding material and is provided with a small indentation for opening the envelope by use of a finger. The entire envelope assembly is constructed so that the envelope can pass through a printer.

The upper portion of the backing material is printed with indicia corresponding to computer-output data such as a bar code for file-indexing purposes and additional indicia corresponding to the medication, patient name, dosage times, etc. After printing, medication is placed within the pocket and the pocket's opening is semi-permanently sealed. The dispensing envelopes are stored in a file according to the printed information provided on the upper portion of the envelope. To remove the medication, a user's finger or a mechanical finger is inserted into the indentation and used to open the pocket.

In another embodiment, the two sheets of material are approximately the same size and are permanently bonded together on all four sides. A slit and a semi circular opening are provided in the transparent sheet, to form a pocket along the lower 30-90% of the height of the backing material. The entire envelope assembly is constructed so that the envelope can pass through a printer. The upper portion of the envelope is printed as described above. When medication is placed inside the pocket, the slit-opening is semi-permanently sealed to the backing material.

In a final embodiment, the pocket is formed from a transparent sheet permanently adhered on three sides to a larger flexible sheet, with the excess flexible sheet extending out from the open side of the joined sheets. A semi-permanent seal joins the open side of the pocket. The pocket formed by the joined sheets is adhered to an opaque backing sheet on its lower portion. The entire envelope assembly is constructed so that the envelope can pass through a printer and the upper portion of the envelope is printed as described above. When medication is placed inside the pocket, the slit-opening is semi-permanently sealed to the backing material.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the '796 reference does not teach or suggest a package for dispensing a medication from the surface of a card which is solubly removable upon contact with a portion of a user's mouth. Rather, envelope discussed in the '796 patent contains a pocket for dispensing

pill or tablets which are not soluably removable from the envelope and which must be removed from the envelope by unsealing the pocket. Further unlike Claim 1, neither of the sheets used to construct the envelope/pocket is rigid or contains medication disposed on a card surface; rather, the envelope of the '796 patent is flexible to permit printing. In addition, the package is not sized to have the dimensions of a card-like base, but instead, is thick enough to accommodate the pills or tablets retained inside the package and is large enough to contain a portion of printed information in addition to the envelope pouch.

Therefore, Claim 1 is not anticipated by the '796 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '796 patent.

(2) Claim 5 of the Applicant's Invention.

Unlike the subject matter recited in Claim 5, the package discussed in the '796 patent is not of the size and shape of credit card, because the thickness of the package is sized to accommodate the plurality of tablets or pills to be dispensed. Further, the '796 patent does not teach or suggest a rigid card-like base having a medication applied to a surface of the base as in Claim 5; rather, the '796 reference teaches a large, flexible medication-dispensing envelope for containing medication tablets or pills. Further, the envelope of the '796 patent sealably retains the medication within the packaging, which must be opened to release the medication; however, there is no disclosure of a removable or partially removable cover to permit access to the medication, as recited in Claim 5.

Therefore, Claim 5 is not anticipated by the '796 patent. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '796 patent.

(3) Claim 13 of the Applicant's Invention.

As stated above, and unlike Claim 13, the '796 patent does not disclose is rigid medication dispensing card containing medication disposed within a shallow recess on a card, nor is the envelope discussed in the '796 reference sized to have the dimensions of a typical credit card. In addition, the '796 patent fails to disclose a removable cover disposed over the medication applied to a card-like base. Instead, the envelope of the '796 patent is flexible to permit printing and sealably retains the medication within the packaging, which must be opened by breaking the seal of the envelope to release the medication.

Therefore, Applicant believes Claim 13 is not anticipated by the '796 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '796 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '796 patent by reciting a method for delivering medication using a relatively rigid card-like base having a surface containing a solubly removable medication. Rather, in the '796 patent, the medication is provided in tablet-form and is not applied to a card surface, nor is the medication solubly removable from a surface of the envelope, but instead, is retained and sealed inside the flexible envelope. In the '796 patent, the medication is not dispensed to the user by at least partially removing a removable cover, and solubly removing the medication from the surface of a base; instead, the medication is dispensed by opening the envelope, and removing the tablets from the packet.

Accordingly, Claim 21 is not anticipated by the '796 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '796 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '796 patent as there is no disclosure in the '796 reference of a method for using a card surface to deliver a medication. Unlike Claim 25, the package disclosed in the '796 patent is not provided with medication applied to a card surface or a card base; rather, the medication is provided in tablet-form and is retained and enclosed within a flexible envelope. Moreover, the medication in the '796 patent is not delivered to a user or removed from the packaging by simply contacting a surface of the envelope. Instead, in the '796 patent, the envelope is torn or otherwise opened, and then the medication is removed from the envelope by the user in order to be administered or delivered to the user.

Therefore, Claim 25 is not anticipated by the '796 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '796 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike the subject matter recited in Claim 31, the '796 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound

by simply contacting a card surface applied with the compound. Instead, the '796 patent discloses a method of dispensing medication tablets or pills which are retained and sealed within a large, flexible envelope and which are not applied to a card surface or even contained within a card-like surface. Moreover, the medication in the '796 patent is not administered to a user or removed from the packaging by simply contacting a surface of either envelope. Instead, in the '657 patent, the medication is administered to a user by opening the envelope, opening the inside envelope, removing the medication, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '796 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '796 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '796 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '796 patent discloses a medication pill or tablet that is held within a sealed, flexible envelope having a thickness large enough to contain a tablet or pill, and which is not a card-like surface. Further, the '796 patent does not teach or suggest a medication *applied to* the surface of a card as claimed, but instead, discloses a package containing a plurality of tablets held *inside* an envelope.

Accordingly, Claims 34 and 36 are not anticipated by the '796 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '796 patent.

K. U.S. Patent No. 5,613,779 (the "'779 Patent") by Niwa, issued March 25, 1997.

The '779 patent discloses a flexible pouch for holding medication. The pouch consists of a first compound layer and a second compound layer adhered to each other along four edges. The first compound layer is thin and flexible material and includes a first resin layer having perforations and having a predetermined tear strength such the material can be easily torn, a second resin film having a good heat adhesive property joined to the first layer on one side, and a third resin film having a predetermined tear strength joined to the first layer on the opposite side.

The second compound layer is thin and flexible material and includes a first resin layer having perforations and having a predetermined tear strength such the material can be easily torn, a second resin film having a good heat adhesive property joined to the first layer on one side, and a third resin film having a predetermined tear strength joined to the first layer on the opposite side.

The first compound layer is aligned with the second compound layer so that the perforations are aligned with each other and so that the second resin layers are facing toward each other. The first compound layer is then adhered to the second compound layer on all four sides forming the pouch. A notch may be disposed in the pouch at the point of perforations to aid in the tearing of the pouch. The medication is removed by tearing the pouch along the perforations.

In other embodiments the third resin layers of both the first compound layer and the second compound layer are not included.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the package disclosed in the '779 patent is not rigid or card-like, nor does it contain a solubly removable medication contained on a card-like base or surface; rather, the medication dispensed by the '779 pouch is liquid or fluid, and is disposed between two flexible layers and retained inside the sealed pouch. Further, the package of the '779 patent is not sized to have the dimensions of a card-like base, but instead, is thicker and larger than a credit card in order to accommodate a liquid medication. In addition, the '779 patent fails to disclose a removable cover disposed over the medication applied to a card-like surface which is removed to permit engagement of the medication with a portion of the user's mouth. Instead, in the '779 patent, a notch is formed within each of the compound layers so that when the pouch is formed, the notch is used to tear the pouch open along one side of the pouch's perimeter thereby permitting the user to engage the medication.

Therefore, Applicant believes Claim 1 is not anticipated by the '779 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '779 patent.

(2) Claim 5 of the Applicant's Invention.

As stated previously and unlike Claim 5, the package disclosed in the '779 patent is not rigid or card-like, nor does it contain medication disposed on a surface of either compound layer. Rather, the liquid medication of the '779 patent is disposed between two flexible layers and is retained within the sealed pouch. Further, the package of the '779 patent is not sized to have the dimensions of a typical credit card as recited in Claim 5, but instead, is thicker and larger than a credit card in order to accommodate the liquid medication. In addition, the '779 patent fails to disclose a removable cover disposed over a medication applied to a card-like base which can be removed to permit access to the medication. Instead, the pouch discussed in the '779 patent contains a notch (or weakening point) cut into each of the compound layers so that when the pouch is formed, the notch can be used to tear the pouch open along one side of the pouch's perimeter.

Accordingly, Claim 5 is not anticipated by the '779 patent. Therefore, Claim 5 and all claims depending from Claim 5 are believed patentable over the '779 patent.

(3) Claim 13 of the Applicant's Invention.

Claim 13 clearly distinguishes from the medication package disclosed in the '779 patent because the pouch disclosed is not rigid or card-like, nor does it contain medication disposed within a shallow recess on a card surface. Rather, in the '779 patent, the medication is disposed between two flexible layers and is retained within a sealed pouch. Further, the package of the '779 patent is not sized to have the dimensions of a typical credit card as claimed, but instead, is thicker and larger than a credit card in order to accommodate the liquid medication. In addition, the '779 patent fails to disclose a removable cover disposed over the medication which can be removed to permit access to the medication. Instead, in the '779 patent, a notch is formed within each of the compound layers so that when the pouch is formed, the notch is used to tear the pouch open along one side of the pouch's perimeter.

Accordingly, Claim 13 is not anticipated by the '779 patent. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '779 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '779 patent by reciting a method for delivering medication packaged in on card-like base having a surface containing a soluably removable

medication. Rather, in the '779 patent, the medication is fluid and is disposed between two flexible sheets and must be sealed inside a pouch in order to be retained within the packaging. Unlike Claim 21, the medication in the '779 patent is not delivered using a card surface or a card-like base which has medication applied thereto, nor is the medication in the '779 patent enclosed within package using a removable cover. Moreover, the '779 reference does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and solubly removing the medication from the surface of a base. Instead, the liquid medication is dispensed from the sealed pouch by tearing open the pouch using the notch provided and emptying the pouch's contents.

Accordingly, Claim 21 is not anticipated by the '779 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '779 patent.

(5) Claim 25 of the Applicant's Invention.

Unlike Claim 25, there is no disclosure in the '779 reference of a method for using a card surface to deliver a medication. Rather, in the '779 patent, the liquid medication is provided within a flexible packaging comprising a sealed pouch. Because the medication dispensed by the '779 pouch is liquid, it must be retained within the sealed chamber and is not applied to a card surface. Further, unlike Claim 25, the medication in the '779 patent is not removed by the user or delivered to a user by simply contacting the surface of the pouch. Instead, in the '779 patent, the medication is delivered to the user by packaging the liquid medication within a sealed pouch, tearing open the pouch using the notch provided within the flexible layers, and ingesting the medication.

Therefore, Applicant believes Claim 25 is not anticipated by the '779 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '779 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike the subject matter recited in Claim 31, the '779 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '779 patent discloses a method of dispensing fluid medication from a sealed pouch consisting of two flexible

sheets that are joined around the perimeter. Unlike Claim 31, the medication in the '779 patent is not administered to a user by means of a card surface, nor is it removed by the user or administered to a user by simply contacting the surface of the pouch. Instead, the medication of the '779 patent is administered to the user by tearing open the pouch using the notch provided, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '779 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '779 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '779 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '779 patent discloses a liquid or fluid medication sealed inside a flexible pouch having a thickness large enough to accommodate a volume of liquid medication, and which is not a card-like surface. Further, the '779 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing liquid medication disposed in a sealed chamber consisting of two flexible sheets that are joined around the perimeter.

Accordingly, Claims 34 and 36 are not anticipated by the '779 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '779 patent.

L. U.S. Patent No. 6,094,886 (the "'886 Patent") by Poignant, issued August 1, 2000.

The '886 patent discloses a bottle-shaped flat container and a method of making a bottle-shaped flat container for containing liquid samples and the like. The bottle-shaped flat container includes two half shells or walls which are molded of plastic and are substantially bottle-shaped in cross-section. The two halves are then joined longitudinally along their side edges and transversely along their bottom edges, forming a cavity. A liquid is then disposed in the cavity. The top, transverse edges of each half are then joined together, sealing the neck of the bottle-shaped cavity closed. A break line or small notch can be included in each of the two halves at the neck portion so that breaking open the container is easier. To access the contents of the

container, the neck portion is broken off and removed. The two plastic half shells are constructed using an injection molding process and are welded together using an ultrasound welding process or similar process.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the container disclosed in the '886 patent is not rigid or card-like, nor does it contain a solubly removable medication disposed on a card surface or a card-like base; rather, the liquid medication of the '886 patent is disposed between two flexible layers that retain the medication inside a substantially bottle-shaped enclosure. Further, the package of the '886 patent is not sized to have the dimensions of a typical card-like base, but instead, is thick and bottle-shaped in order to accommodate a volume of liquid medication. In addition, the '886 patent fails to disclose a removable cover disposed over the medication applied to a card-like base which can be removed to permit engagement of the medication with a portion of the user's mouth. Instead, in the '886 patent, each wall contains a weakening point or cut at the neck portion of the bottle so that the medication can be removed by bending and breaking off the top of the container to form a spout in which the medication can be poured.

Therefore, Applicant believes Claim 1 is not anticipated by the '886 patent. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '886 patent.

(2) Claim 5 of the Applicant's Invention.

As stated herein and unlike the subject matter recited in Claim 5, the package disclosed in the '886 patent is not rigid or card-like, nor does it contain medication disposed on a surface of a card-like base; rather, the medication is fluid and is disposed inside a substantially bottle-shaped container. Further, the package of the '886 patent is not sized to have the dimensions of a typical credit card, but instead, is thicker and larger than a credit card in order to accommodate a volume of liquid medication. In addition, the '886 patent fails to disclose a removable cover disposed over the medication secured to a card-like base which is removed to permit access to the medication. Instead, to access the medication, the neck is bent and broken and the top of the container is broken off, forming a spout from which the medication can be poured.

Accordingly, Claim 5 is not anticipated by the '886 patent. Therefore, Claim 5 and all claims depending from Claim 5 are believed patentable over the '886 patent.

(3) Claim 13 of the Applicant's Invention.

Also unlike the subject matter recited in Claim 13, the package disclosed in the '886 patent is not rigid or card-like, nor does it contain medication disposed within a shallow recess on a surface of a card-like base; rather, the medication is liquid and therefore is disposed inside the substantially bottle-shaped, flexible container. Further, as stated herein, the container of the '886 patent is not sized to have the dimensions of a typical credit card, but instead, is thicker and larger than a credit card in order to accommodate the liquid medication. In addition, the '886 patent fails to disclose a removable cover disposed over the medication disposed within the shallow recess on the card-like base that is at least partially removable to permit access to the medication. Instead, to access the medication, the neck is bent and broken and the top of the container is broken off, forming a spout from which the medication can be poured.

Accordingly, Claim 13 is not anticipated by the '886 patent. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '886 patent.

(4) Claim 21 of the Applicant's Invention.

Claim 21 clearly distinguishes over the '886 patent by reciting a method for delivering medication using a relatively rigid card-like base having a surface containing a solubly removable medication. Instead, the '886 patent teaches delivery of a liquid medication disposed inside a container that is not card-like, nor does it contain medication disposed on a card surface or card-like base that can be solubly removable from the surface or base. In addition, the '886 patent fails to disclose a removable cover enclosing the medication disposed on a card surface. Instead, the medication of the '886 patent is delivered to the user by providing the bottle-shaped container to the user, bending and breaking open the container at the neck portion breaking the top of the container completely off, and pouring the sample out of the container.

Therefore, Applicant believes Claim 13 is not anticipated by the '886 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '886 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '886 patent as there is no disclosure in the '886 reference of a method for using a card surface to deliver a medication. Rather, in the '886 patent, the medication is inside a bottle-shaped container that does not contain medication disposed on a card surface or card-like base. The medication dispensed by the '886 container is liquid and therefore must be retained inside the sealed bottle. Further, unlike Claim 25, the medication in the '886 patent is not removed by the user or delivered to a user by simply contacting the surface of the container. Instead, in the '886 patent, the medication is delivered to the user by packaging the liquid medication in the bottle-shaped container, bending and breaking open the container at the neck portion to break the top of the container completely off, and pouring the sample out of the container.

Therefore, Applicant believes Claim 25 is not anticipated by the '886 patent. Accordingly, Claim 25 and all claims depending from Claim 25 are believed patentable over the '886 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '886 patent does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Further, the medication in the '886 patent is not administered to a user by means of a card surface, and is not removed by the user or administered to a user by contacting the surface of the container. Rather, in the '886 patent, the medication is administered to the user by bending the container at the neck portion and breaking the container open, forming a spout in which the medication is poured, and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '886 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '886 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '886 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Unlike Claims 34 and 36, the '886 patent discloses a liquid or fluid medication

sealed inside a bottle-shaped container having a thickness large enough to accommodate a volume of liquid medication, and which is not a card-like surface. Further, the '886 patent does not teach or suggest a medication *applied to* a surface of a card as claimed, but instead, discloses a package containing liquid medication disposed inside a sealed container consisting of two flexible walls that are joined around the perimeter.

Accordingly, Claims 34 and 36 are not anticipated by the '886 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '886 patent.

M. U.S. Patent No. 6,232,128 (the "'128 Patent") by Iguchi et al., issued May 15, 2001.

The '128 patent discloses a package of bicarbonate liquid medication containing a pH indicator. The package includes a gas-permeable container having at least one compartment such as a bag, a larger, gas-impermeable packaging member, and a pH indicating packet. The gas-permeable container includes at least one compartment filled with a bicarbonate medication or liquid and is sealed closed. The container is completely enclosed by the larger, gas-impermeable packaging member, leaving a sealed space between the external surface of the inner container and the internal surface of the larger package. A gas permeable packet containing a bicarbonate-containing fluid and a pH indicator is disposed in the space. A visual assessment of the pH of the medical solution is then feasible.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the '128 patent teaches a large, flexible package for containing a pH indicator and a smaller container filled with bicarbonate solution. Neither of the containers is rigid, contains removably soluble medication disposed on a surface thereof, or is sized to have the dimensions of a typical credit card as recited in Claim 1. Instead, the container of the '128 reference is thick and large to sealably retain both a liquid medication container and a pH indicator. Further unlike Claim 1, the '128 patent does not teach or suggest a relatively rigid card-like base containing a medication that can be removed by contact with the user's mouth. Finally, the '128 patent fails to disclose a removable cover disposed over the medication applied to a card surface.

Accordingly, Claim 1 is not anticipated by the '128 patent. Therefore, Claim 1 and all claims depending from Claim 1 are believed patentable over the '128 patent.

(2) Claim 5 of the Applicant's Invention.

Also unlike Claim 5, the '128 patent teaches a large, flexible package for containing a pH indicator and a smaller container filled with bicarbonate solution. Neither of the containers is rigid, contains medication disposed on a surface of a card-like base, or is sized to have the dimensions of a typical credit card. Instead, the container is thick and large to sealably retain both a liquid medication container and a pH indicator. Further unlike Claim 5, the '128 patent fails to disclose a removable cover disposed over the medication on the card-like base to permit access to the medication.

Accordingly, Claim 5 is not anticipated by the '128 patent. Therefore, Claim 5 and all claims depending from Claim 5 are believed patentable over the '128 patent.

(3) Claim 13 of the Applicant's Invention.

Claim 13 clearly distinguishes from the '128 patent because the '128 reference does not teach or suggest a rigid, credit card-sized base containing medication disposed within a shallow recess on a surface of the card-like base. Instead, the container is thick, large and flexible to sealably retain both a liquid medication container and a pH indicator. Further unlike Claim 13, the '128 patent fails to disclose a removable cover disposed over the medication to permit access to the medication.

Therefore, Applicant believes Claim 13 is not anticipated by the '128 patent. Accordingly, Claim 13 and all claims depending from Claim 13 are believed patentable over the '128 patent.

(4) Claim 21 of the Applicant's Invention.

As stated above, the medication of the '128 patent is delivered to the user packaged within its own container and further sealed, along with a pH indicator, within a larger, outer container. The medication is delivered to the user by: checking the pH indicator to ensure the solution is not degraded, opening the outer container, opening the inside container, removing the medication, and ingesting/taking the medication. Unlike Claim 21, the medication in the '128 patent is not delivered using a card surface or a card-like base which has medication applied

thereto, nor is the medication in the '128 patent enclosed within the envelope package using a removable cover. Moreover, the '128 reference does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and soluably removing the medication from the surface of a base.

Accordingly, Claim 21 is not anticipated by the '128 reference. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '128 patent.

(5) Claim 25 of the Applicant's Invention.

Claim 25 distinguishes over the '128 patent as there is no disclosure in the '128 reference of a method for using a card surface to deliver a medication. Rather, in the '128 patent, the liquid medication is provided with a flexible packaging and is delivered to the user by: checking the pH indicator to ensure the solution is not degraded, opening the outer container, opening the inside container, removing the medication, and ingesting/taking the medication. Unlike Claim 25, the medication in the '128 patent is not delivered using a card surface or a card-like base which has medication applied thereto. Moreover, the medication in the '128 patent is not delivered to a user or removed from the packaging by simply contacting a surface of either container. Instead, the medication must be removed from the two sealed containers in order to be accessed by or delivered to the user

Accordingly, Claim 25 is not anticipated by the '128 patent. Therefore, Claim 25 and all claims depending from Claim 25 are believed patentable over the '128 patent.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '128 patent does not teach or suggest a method for achieving a therapeutic effect by administrating an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, the '128 patent discloses a method of dispensing fluid medication administered to the user by: checking the pH indicator to ensure the solution is not degraded, opening the outer container, opening the inside container, removing the medication, and ingesting the medication. Unlike Claim 31, the medication in the '128 patent is not administrated to a user by means of a card surface or a card-like base. Moreover, the medication in the '128 patent is not removed from the packaging by simply contacting a surface

of the container. Instead, the medication must be removed from the two sealed containers in order to be delivered or administered to a user.

Therefore, Applicant believes Claim 31 is not anticipated by the '128 patent. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '128 patent.

(7) Claims 34 and 36 of the Applicant's Invention.

As described above and unlike Claims 34 and 36, the '128 patent does not disclose a dosage administration article or a therapeutic formulation that contains medication applied to a surface of a card. Instead, the '128 patent teaches a bicarbonate solution disposed inside and retained within a sealed container and further sealed along with a pH indicator inside a larger container. The containers are not card-like, nor contain a surface in which medication is applied.

Accordingly, Claims 34 and 36 are not anticipated by the '128 reference. Therefore, Claims 34 and 36 and all claims depending from Claims 34 and 36 are believed patentable over the '128 patent.

N. U.S. Patent Application No. 2002/0074345 (the "'345 application") by Schneider et al., filed October 17, 2000.

The '345 application discloses an emergency medication dispensing card. The dispensing card comprises two major pieces, a handle portion and a cap portion.

The handle portion's interior includes a channel for receiving a medication dispensing carriage. The carriage is substantially tubular and tapers inwardly at one of its ends. The carriage is movably supported within the channel inside the handle so that the tapered end faces outward towards the open end of the handle. The tapered end forms a non-flexible engagement surface and further contains an opening for a needle. The carriage contains a syringe shaft for accommodating a needle assembly (a barrel containing medication and a needle hub for dispensing the medication), and the needle cannula extends through the opening in the engagement surface of the carriage. The outer surface of the carriage contains dents for releasably retaining the carriage inside the handle. The carriage also contains a fluid inspection window.

The handle portion further contains arms for engaging the carriage. The arms engage and releasably lock a needle assembly in place relative to the carriage to maintain the needle in a fixed position during movement of the carriage. The handle also includes a pusher which engages the plunger of the needle assembly to effectuate dispensing of the medication. The handle further includes cavities for receiving locking pins present in the cap for releasably engaging the handle and the cap together. The handle is further provided with carriage dents near the open end of the handle. The carriage dents project into the channel formed in the handle for releasably locking the carriage when the carriage is in its extended position. The handle further includes a medication cavity for retaining a second medication such as pills or prepackaged medications.

The cap portion includes safety locking pins for releasably engaging the handle portion. The cap portion further includes a window for viewing the medication disposed within the carriage. The cap can also include a medication cavity for storing a second medication such as pills or prepackaged medications.

To inject the medication, the handle is released from the cap and the carriage is fully extended. When the subject engages the engagement surface of the carriage, the carriage retracts forcing the pusher inside the handle into engagement with the plunger. This action exposes the needle assembly held within the handle and dispenses the medication via the needle.

(1) Claim 1 of the Applicant's Invention.

Unlike Claim 1, the package disclosed in the '345 application does not teach or suggest a solubly removable medication contained and retained on a card surface or a card-like base. Rather, the medication of the '345 application is held within a housing, within a carriage, and further disposed within a mechanical delivery apparatus such as a syringe or a chamber/plunger assembly. Further, the medication of the '345 application disposed within the syringe or disposed in tabular form within the chamber is not applied on a card surface and is not solubly removable through contact with a portion of the user's mouth. In addition, the '345 application fails to disclose a removable cover disposed over the medication applied to the card which is removed to permit engagement of the medication with a portion of the user's mouth as recited in Claim 1. Instead, to access the medication in the '345 application, the safety locking pins are disengaged, the cap is removed from the housing, a plunger supported by the carriage within the

housing is depressed, exposing a contact surface of the needle assembly, and the user then injects the medication; or the user removes the cap, uses the plunger to remove the tabular medication, and ingests the medication.

Therefore, Applicant believes Claim 1 is not anticipated by the '345 application. Accordingly, Claim 1 and all claims depending from Claim 1 are believed patentable over the '345 application.

(2) Claim 5 of the Applicant's Invention.

Unlike Claim 5, the package disclosed in the '345 application does not teach or suggest a medication contained and retained on a card surface or a card-like base which has the size and shape similar to a credit card. While the '345 application discloses a medication package that may have the height and length of a credit card, the thickness of the package must accommodate an internal, movable carriage, and a mechanical delivery apparatus such as a syringe and/or a chamber/plunger assembly that therefore requires a much thicker width than a typical credit card (see Figs. 2,4, 6-8, 10-19A, and 22). Further, the '345 application fails to disclose a medication *applied to the surface* of a credit card-shaped base as recited in Claim 5, but instead, discloses a medication contained *within or inside* a housing, within a carriage, and further disposed within a mechanical delivery apparatus such as a syringe or a chamber. In addition, the '345 application fails to disclose a removable cover disposed over the medication applied to the surface of a card-like base which is removed to access the medication. Instead, to access the medication in the '345 application, the safety locking pins are disengaged, the cap is removed from the housing, a plunger supported by the carriage within the housing is depressed, exposing a contact surface of the needle assembly, and the user then injects the medication; or the user removes the cap, uses the plunger to remove the medication, and ingests the medication.

Therefore, Applicant believes Claim 5 is not anticipated by the '345 application. Accordingly, Claim 5 and all claims depending from Claim 5 are believed patentable over the '345 application.

(3) Claim 13 of the Applicant's Invention.

As stated above and unlike Claim 13, the '345 application does not teach or suggest a credit card-size base having medication disposed and retained within a shallow recess on the

card-like base. Instead, the '345 application discloses a medication contained *within or inside* a housing, within a carriage, and further disposed within a mechanical delivery apparatus such as a syringe or a chamber. In addition, the '345 application fails to disclose a removable cover that is at least partially removable to permit access to the medication disposed within the shallow recess of the card surface.

Accordingly, Claim 13 is not anticipated by the '345 application. Therefore, Claim 13 and all claims depending from Claim 13 are believed patentable over the '345 application.

(4) Claim 21 of the Applicant's Invention.

As stated previously and unlike Claim 21, the medication in the '345 application is not delivered using a card surface or a card-like base which has medication applied thereto, nor is the medication in the '345 application enclosed within package using a removable cover that is at least partially removable to enclose the medication on the base. Moreover, the '345 application does not disclose a method including the steps of dispensing a medication to the user by at least partially removing the cover, and soluably removing the medication from the surface of a card.

Accordingly, Claim 21 is not anticipated by the '345 application. Therefore, Claim 21 and all claims depending from Claim 21 are believed patentable over the '345 application.

(5) Claim 25 of the Applicant's Invention.

Unlike Claim 25, the '345 application fails to disclose a medication *applied to the surface* of a card, but instead, discloses a medication contained *within or inside* a housing, within a carriage, and further disposed within a mechanical delivery apparatus such as a syringe or a chamber. Moreover, the medication in '345 application is not delivered using a card surface or removed from the packaging by simply contacting a surface of the housing, cap or package. Instead, the medication is provided inside the housing, the carriage, and the syringe and/or chamber which is lockably sealed; and is removed from the package by disengaging the safety locking pins to release the cap, removing the cap from the housing, depressing the plunger or otherwise releasing the medication from the carriage which includes both injecting and ingesting the medication.

Accordingly, Claim 25 is not anticipated by the '345 application. Therefore, Claim 25 and all claims depending from Claim 25 are believed patentable over the '345 application.

(6) Claim 31 of the Applicant's Invention.

Unlike Claim 31, the '345 application does not teach or suggest a method for achieving a therapeutic effect by administering an effective amount of a compound by simply contacting a card surface applied with the compound. Instead, in the '345 application, the medication is contained *within or inside* a housing, within a carriage, and further disposed inside a mechanical delivery apparatus such as a syringe or a chamber. Moreover, the medication in '345 application is not delivered to a user or removed from the packaging by simply contacting a surface of the envelope as recited in Claim 31. Instead, in the '345 application, the medication is removed from the dispensing card by disengaging the safety locking pins to release the cap, removing the cap from the housing, depressing the plunger or otherwise releasing the medication from the carriage which includes both injecting and ingesting the medication.

Therefore, Applicant believes Claim 31 is not anticipated by the '345 application. Accordingly, Claim 31 and all claims depending from Claim 31 are believed patentable over the '345 application.

(7) Claims 34 and 36 of the Applicant's Invention.


As described above and unlike Claims 34 and 36, the '345 application does not disclose a dosage administration article or a therapeutic formulation that contains medication *applied to* a surface of a card. Instead, in the '345 application, the medication is contained *within or inside* a housing, within a carriage, and further disposed inside a mechanical delivery apparatus such as a syringe or a chamber.

Accordingly, Claims 34 and 36 are not anticipated by the '345 application. Therefore, Claims 34 and 36 and all claims depending therefrom are believed patentable over the '345 application.

III. Summary.

As discussed herein, Claims 1, 5, 13, 21, 25, 31, 34 and 36 are believed patentable over the cited references which are deemed most closely related to the subject matter of the present invention. As such, Applicant believes the application can be expedited as requested.

Respectfully submitted:

BY 
Rodney D. DeKruif
Attorney for Applicant
Registration No. 35,853

Reinhart, Boerner, Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
(414) 298-8360

Customer No. 22922